

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
MCALLEN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

23.311 ACRES OF LAND, MORE OR
LESS, SITUATE IN HIDALGO COUNTY,
STATE OF TEXAS; AND FRANK
SCHUSTER FARMS INC., ET AL.,

Defendants.

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CASE NO. 7:19-CV-407

WAIVER OF SERVICE OF JUDICIAL PROCESS

TO: JOHN A. SMITH, III
Assistant United States Attorney
1701 W. Bus. Highway 83, Suite 600
McAllen, Texas 78501

I acknowledge receipt of your request to waive service of judicial process in this action along with a copy of the Notice of Condemnation, two copies of this waiver form, and a self-addressed postage-free envelope that I can use to return one signed copy of the waiver to you, at no cost to me.

I, or the entity on whose behalf I am acting, agree to avoid the costs associated with formal service of judicial process in the manner provided by Federal Rules of Civil Procedure 4 and 71.1.

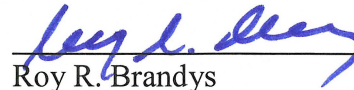
I understand that I, or the entity on whose behalf I am acting, will retain all defenses or objections to the lawsuit, the court's jurisdiction, and the venue of the action, but that I waive any objections to a defect in the Notice of Condemnation or in the service thereof.

I understand that I, or the entity on whose behalf I am acting, pursuant to Federal Rule of Civil Procedure 71.1, may file a notice of appearance if there is no objection or defense to the taking of the condemned lands. In the alternative, if there is an objection or defense to said taking, I, or the entity on whose behalf I am acting, must serve an answer upon plaintiff's attorney at the address herein designated within twenty-one (21) days after being served with the Notice of Condemnation. I further acknowledge that the answer must identify the property in which I, or the entity on whose behalf I am acting, claim an interest, state the nature and extent of the interest claimed, and state all objections or defenses to the taking.

I, or the entity on whose behalf I am acting, understand that a failure to serve an answer within twenty-one (21) days shall constitute a consent to the taking and to the authority of the court to proceed to hear the action and fix just compensation, and shall constitute a waiver of all defenses and objections not so presented.

I further understand that at the trial of the issue of just compensation, whether or not I, or the entity on whose behalf I am acting, have filed an answer or served a notice of appearance, I may present evidence as to the amount of just compensation to be paid for the property acquired herein and I may share in the distribution of the award for compensation.

By:



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